

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983-TSZ

DECLARATION OF MATTHEW
PLOSZAJ
IN SUPPORT OF PLAINTIFFS'
RESPONSES TO CITY OF SEATTLE'S
MOTION FOR SPOILIATION AND
MOTION FOR SUMMARY JUDGMENT

Noting Date: November 15, 2022

I Matthew Ploszaj, declare as follows:

1. I am a resident of Capitol Hill, at 1210 East Pine St., where I have lived for over nine years. The building I live in is a house on Pine St. between 12th and 13th Aves.

2. This declaration relates to the Plaintiffs' responses to the City of Seattle's Motion for Spoliation (Dkt. No. 107) and Motion for Summary Judgment (Dkt No. 111).

3. While I am not seeking any economic damages in this case, I am seeking emotional distress damages.

4. I joined a Signal message group around September 30, 2020, in order to receive updates of what was going on in the Capitol Hill neighborhood. I was not using Signal during

DECLARATION OF MATTHEW PLOSZAJ IN
SUPPORT OF PLAINTIFFS' RESPONSE IN
SUPPORT OF CITY OF SEATTLE'S MOTION
FOR SPOILIATION
(Case No. 2:20-cv-00983-TSZ) - 1

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1 CHOP, or in the first couple months after CHOP. I recall that there were many individuals in the
2 group that were not identifiable by me.

3 5. I participated in the Signal group mostly passively, and discontinued using the
4 application around the end of November 2020. I used the Signal app messaging platform to be
5 aware of activities of the protesters / activists in the Capitol Hill neighborhood, and so most, if not
6 all of my messages were about protesters' activities.

7 6. For example, I sent messages about the "protesters" burning our building's
8 trashcans, being verbally assaulted by protesters, protesters using loudspeakers at night, the City's
9 provisioning of the protesters with portapotties after the East Precinct was abandoned, and other
10 activities of the protesters.

11 7. After November 2020, I do not recall sending any messages using the Signal
12 message app.

13 8. I do not recall sending any direct messages using the Signal messages app, and all
14 of the messages I sent were within the context of a group.

15 9. I did not activate the "disappearing messages" feature of Signal for any of the
16 messages that I sent.

17 10. I have reviewed the Signal messages that were collected and I do not recall sending
18 additional messages.

19 11. During CHOP, I had protesters demand that I show them ID. I had people threaten
20 my life on several occasions.

21 12. Protesters spray painted threats to residents of our building on the sidewalk in front
22 of our building.

23 13. Protesters made an unacceptable amount of noise all day and every night. They
24 spoke using megaphones, beat loud drums and played amplified music until late in the night. I
25 could not work from home due to the noise.

26 14. I feared for my personal safety some days and spent nights at friends' houses in

1 other parts of Seattle far away from CHOP. During CHOP, you never knew when the protesters
2 would become dangerously violent and gunshots or fights would break out.

3 15. People broke into our apartment building on several occasions. On one occasion, I
4 confronted one person who broke into the building, as he was exiting the property with some of
5 my neighbor's personal property. I yelled at the individual and asked him to stop removing the
6 property, but he just walked out. Later, but still during CHOP, I saw the same individual walking
7 on the street and he recognized me. The police would not come to my building for me to make a
8 police report, but asked that I travel several blocks to make a police report.

9 16. My downstairs neighbors had someone break into their apartment when they were
10 home. The burglars entered the living room and rummaged through their belongings while my
11 neighbors were in the next room, apparently unaware of the presence of the burglar.

12 17. Even though my property was outside of the CHOP barriers, Police would not come
13 to protect me and my neighbors. The absence of any police presence was very upsetting to me, as
14 it left me feeling very vulnerable to the protesters.

15 18. Someone jumped on the roof of my building and threatened to kill himself and the
16 occupants of the building. The police and fire departments would not come to assist.

17 19. After CHOP, someone took our trashcans and burned them multiple times,
18 completely destroying them.

19 20. Black Bloc protesters met on an almost daily basis in Cal Anderson Park, and
20 marched through the neighborhood, blocking traffic, vandalizing property and terrorizing the
21 neighborhood.

22 21. I am still disturbed by the events of CHOP and the continued occupation of the
23 Capitol Hill neighborhood through the end of 2020.

1 I declare under the penalty of perjury under the laws of the United States of America and
2 the State of Washington that the foregoing is true and correct.

3 DATED this 24th day of October, 2022 at Seattle, Washington.

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7 Matt Ploszaj
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